IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

MACA.No. 777 of 2004(G)

OPMV.909/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM
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APPELLANT/PETITIONER:

KUNJAMMA @ SUPRABHA, W/O. RAJAPPAN,
KAPPAKALAYIL VEEDU, PATHAMUTTAM P.O.,
NEAR PARAKULAM KURISU, PATHAMUTTAM KARA,
PANACHIKADU VILLAGE.

BY ADV. SRI.K.A.HASSIM
SRI.M.I.ISMAIL

RESPONDENTS: RESPONDENTS:
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1. PRASAD, S/O. JANARDHANAN,
PUTHENPARAMBIL VEEDU, NELLICKAL BHAGOM,
KUZHIMATTAM KARA, PANACHIKADU VILLAGE.

2. SINDHU PRADEEP, W/O. PRADEEP,
NELLICKAL HOUSE, KUZHIMATTAM.

3. THE ORIENTAL INSURANCE CO. LTD.,
COCHIN BRANCH.

BY ADV. SRI.MATHEWS JACOB

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No 777 of 2004

Dated: 9th October, 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Claimant is a manual labourer aged 42 years at the time of accident. Accident is not disputed; so also the insurance policy. Claimant had produced Ext A8 disability certificate issued by the Orthodontic Surgeon of the Medical College hospital. Doctor has certified that claimant had permanent disability of 10%. Doctor also opined that the claimant had dislocation of shoulder joint and fracture of humerus and that she had complaints of weakness of right upper limb and stiffness and was disabled temporarily for three months. We have perused the certificate. There is no reason to disbelieve the certificate issued by the Orthodontic Surgeon of the Medical College hospital and produced by the claimant. If the certificate is accepted, claimant would be entitled to compensation for 10% disability. Thus she will be entitled to a sum of Rs 12,600/- On all other heads, the amount awarded by the Tribunal is

just and proper. The award passed by the Tribunal is modified awarding an amount of Rs 12,600/- for disability which will carry interest at the rate of 7.5% per annum from the date of petition till payment. The appeal is disposed of as above.

Sd/-
K.S. RADHAKRISHNAN
Judge
Sd/-
A.K. BASHEER
Judge

en/

[true copy)